

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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MICHAEL GORHAM, et al.,

Plaintiff(s),

v.

AMERICAN FAMILY MUTUAL  
INSURANCE COMPANY,

Defendant(s).

Case No. 2:13-CV-2274 JCM (GWF)

ORDER

Presently before the court is plaintiffs Michael Gorham's and Carol Perea's second motion to amend complaint to add two additional causes of action. (Doc. # 33). Defendants did not file a response in opposition and the deadline to do so has passed.

Federal Rule of Civil Procedure 15(a) provides that leave to amend "shall be freely given when justice so requires." The Supreme Court has interpreted Rule 15(a) and confirmed the liberal standard district courts must apply when granting such leave. In *Foman v. Davis*, 371 U.S. 178 (1962), the Supreme Court explained: "In the absence of any apparent or declared reason—such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of the amendment, etc.—the leave sought should, as the rules require, be 'freely given.'" *Id.* at 182. The local rules of federal practice in the District of Nevada require that a party submit a proposed, amended pleading along with a motion to amend. D. Nev. R. 15-1(a).

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1 Plaintiffs seek leave of the court to file an amended complaint adding two causes of action,  
2 and generally correcting errors in the complaint filed by plaintiffs' previous attorney. (Doc. # 33).  
3 Plaintiffs' prior counsel, Courtenay A. Lachenmaier, Esq., filed the complaint on April 15, 2013,  
4 while she was battling cancer. On May 21, 2013, five weeks after filing the complaint, Ms.  
5 Lachenmaier passed away. Plaintiffs' current attorney, James J. Ream, Esq., asserts that the errors  
6 in plaintiffs' complaint were a result of Ms. Lachenmaier either not feeling well, or being  
7 unfamiliar with this area of litigation, and that the mistakes or omissions were not the fault of the  
8 plaintiffs.

9 Plaintiffs have attached their proposed, amended complaint to this motion as required by  
10 D. Nev. R. 15-1(a). Accordingly, plaintiff's motion to amend complaint and add two additional  
11 causes of action will be granted.

12 Accordingly,

13 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiffs' second  
14 motion to amend complaint and add two additional causes of action (doc. # 33) be, and the same  
15 hereby is, GRANTED.

16 IT IS FURTHER ORDERED that plaintiffs file an amended complaint identical to that  
17 attached to the motion to amend (doc. # 33-8) within seven days of the entry of this order.

18 DATED March 30, 2015.

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22 UNITED STATES DISTRICT JUDGE  
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